REMARKS

Claims 7, 9, 10, 23 and 24 are currently pending in the present application. Claim 10 has been amended.

Claim 10 stands rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Office Action states at page 2 that "Applicant has failed to describe an embodiment in which a PMOS frame shutter in an N-well is comprised of NMOS transistors." Claim 10 has been amended to recite "The active pixel sensor of claim 9, wherein the sample and hold and reset circuits comprise PMOS transistors." In view of the above amendment, the rejection should be withdrawn.

Claims 7, 9, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent No. 6,239,456 to Berezin et al. This rejection is respectfully traversed.

As the Office Action notes at page 3, "AAPA does not specifically disclose the photoreceptor as a pinned photodiode." Applicants herewith submits an Inventor's Declaration under 37 C.F.R. § 1.132 declaring that (1) the subject matter of U.S. Patent No. 6,239,456 to Berezin et al. relevant to the claims (Relevant Subject Matter) was derived from the Applicants, and (2) the Applicants actually invented the Relevant Subject Matter. Accordingly, Berezin is not available as prior art under 35 U.S.C. § 103(a). Because AAPA does not disclose, teach or suggest every element of the claims, the rejection of claims 7, 9, 23 and 24 under 35 U.S.C. § 103(a) should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 3, 2005   Respectfully submitted,

By_____

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